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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,426	04/08/2004	William Wimsatt	CORA0002	7173

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EXAMINER

BARNES, CRYSTAL J

ART UNIT PAPER NUMBER

2121

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/820,426	Applicant(s) WIMSATT, WILLIAM	
	Examiner Crystal J. Barnes	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

RD

DETAILED ACTION

1. The following is an initial Office Action upon examination of the above-identified application on the merits. Claims 1-18 are pending in this application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a contextual user interface, are classified in class 715, subclass 771.
 - II. Claims 7-18, drawn to a control unit for a home automation system, classified in class 700, subclass 83.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions II and I are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the control unit for the home automation system as claimed does not require first

and second user interface definitions of the contextual user interface as claimed.

The subcombination has separate utility such as providing several control elements in framed workspaces.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Stuart T. Langley, Reg. No. 33,940 on 26 May 2005, a provisional election was made without traverse to prosecute the invention of Group II, claims 7-18. Applicant in replying to this Office action must make affirmation of this election. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

7. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e).

Information Disclosure Statement

8. The examiner has considered the information disclosure statements (IDS) submitted on 20 December 2004.

Drawings

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numbers 119 and 125 in figure 1 and reference numbers 503, 504 and 508 in figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

10. The disclosure is objected to because of the following informalities: "Fig. 4D" on page 20 line 3 should be "Fig. 4E". Appropriate correction is required.

Claim Objections

11. Claims 12 are objected to because of the following informalities: the numbering of claims is improper. Second claim 12 has been renumbered 18.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 7, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,389,124 B1 to Schnarel et al.

As per claim 7, the Schnarel et al. reference discloses a control unit for a home automation system comprising: computing resources (see column 14 lines 10-16, "software platform architecture and column 23 lines 11-25, "hardware elements") configured to execute application code (see column 14 lines 38-48, "application software") on the control unit (see column 4 lines 5-16, "web telephone"); context information (see column 2 lines 44-52, "context sensitive information") stored in the control unit ("web telephone"); a display (see column 4 lines 31-40, "call slip") presenting a graphical user interface ("call slip user interface"); a plurality of interactive user interface elements (see column 5 lines 10-14, 19-21, 29-31, "summary status pane 202, call information pane 204, call slip control panes 206, 208") presented on the graphical user interface ("call slip user interface") such that a single user interface element ("single user interface

element" and see column 5 lines 5-7, "call slip element 100") can simultaneously display information ("line management and call control features") about the context (see column 4 lines 51-54, "state-driven approach") as well as implementing behavior (see column 5 lines 60-65, "user interface controls") to send messages ("initiate program tasks") to a controlled system (see column 4 lines 5-10, "voice telephony, Internet access, answering machine, fax, voice mail") that can affect change (see column 4 lines 51-54, "provide only information that is relevant to the current state") in the displayed information ("line management and call control features").

As per claim 14, the Schnarel et al. reference discloses the graphical user interface elements ("call slip element 100, summary status pane 202, call information pane 204, call slip control panes 206, 208") include background elements (see column 5 lines 5-7, "message center application in the background 102"), passive elements (see column 5 lines 11-18, "summary status pane 202"), information display elements (see column 5 lines 19-28, "call information pane 204") that present information ("general information") from application software (see column 14 lines 38-48, "application software") operating on the control unit ("web telephone"), and control elements (see column 5 lines 29-39, "call slip control panes

206, 208") that cause application software ("application software") operating on the control unit ("web telephone") to initiate programmed behaviors ("line state-specific and application-specific controls").

As per claim 15, the Schnarel et al. reference discloses the user interface (see column 4 lines 31-40, "call slip user interface") as a whole is contextually sensitive ("state-smart") in that the appearance (see column 4 lines 41-43, "expanded mode and collapsed mode") of user interface elements ("call slip element 100") and/or the behavior ("on-screen interaction") of user interface elements ("call slip element 100") are varied ("presents different options") in a manner that is dependent on ("based on") the context ("state") of the control unit ("telephone").

As per claim 17, the Schnarel et al. reference discloses the behavior (see column 4 lines 41-50, "expanded mode and collapsed mode") is implemented by interacting ("user input") with a user interface element ("call slip element 100") that simultaneously displays information ("line management and call control features") about the state (see column 4 lines 51-54, "state-driven") of a controlled subsystem ("voice telephony, Internet access, answering machine, fax, voice mail").

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8, 9, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,389,124 B1 to Schnarel et al. in view of USPN 5,086,385 to Launey et al.

As per claim 8, the Schnarel et al. reference does not expressly disclose the context information comprises a temperature.

The Launey et al. reference discloses

(see column 12 lines 44-46, "In addition, local information display, such as time, temperature, etc., can readily be accomplished utilizing the instant touchscreens.")

As per claim 9, the Schnarel et al. reference does not expressly disclose the context information comprises a security system arming status.

The Launey et al. reference discloses

(see column 12 lines 20-28, "Still other systems which may be controlled by the disclosed touchscreen are sophisticated security systems with more than 32 zones, ... the initiating of telephone calls and the logging of incoming and outgoing telephone calls.")

(see column 24 lines 22-29, "... the secondary processors manage the following subsystems: voice recognition and voice synthesis; telephone communication; touchscreen communication; hand-held remote control unit communication; input and output control and monitoring; security and fire system safety and monitoring; and other optional intelligent subsystems, such as lighting, audio and video and HVAC. ")

As per claim 12, the Schnarel et al. reference does not expressly disclose the controlled system information comprises an HVAC system.

The Launey et al. reference discloses

(see column 24 lines 22-29, "... the secondary processors manage the following subsystems: voice recognition and voice synthesis; telephone communication; touchscreen communication; hand-held remote control unit communication; input and output control and monitoring; security and fire system safety and monitoring; and other optional intelligent subsystems, such

as lighting, audio and video and HVAC. ")

As per claim 13, the Schnarel et al. reference does not expressly disclose the controlled system information comprises a lighting subsystem.

As per claim 18, the Schnarel et al. reference does not expressly disclose the controlled system information comprises an entertainment system.

The Launey et al. reference discloses

(see column 16 lines 3-6, "This type of system can also be utilized with other stand-alone systems such as lighting systems, entertainment systems, security systems, energy management systems and others.")

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the web telephone taught by the Schnarel et al. reference to interface with the expandable home automation system taught by the Launey et al. reference. In addition, the central processor 10 of the instant home automation system may be connected to a home telephone system 62 ... or a single line standard telephone system, by means of a telephone interface 60 (see column 10 lines 17-21). Still other systems which may be controlled by the disclosed touchscreen are ... the initiating of telephone calls and the logging of incoming and outgoing telephone calls (see column 12 lines 20-28). In fact, any

system in a home or other environment that can be automated can be effectively automated utilizing the high resolution graphics displays described herein in concert with high resolution touchscreens. Such systems, in addition to those described above, would include telephone answering (see column 12 lines 34-39). Any inside telephone can be used to control the system (see column 14 lines 58-62),

One of ordinary skill in the art would have been motivated to modify the web telephone to interface with the expandable home automation system to control various products and subsystems within a home or commercial building, such as lighting systems, security systems, various sensors, multiple external terminals, and to allow for input of commands by a variety of means such as touchscreens, voice recognition, telephones, custom switches or any device capable of providing input to a computer system.

16. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,389,124 B1 to Schnarel et al. in view of logical reasoning.

As per claim 10, the Schnarel et al. reference does not expressly disclose the context information comprises a volume control.

As per claim 11, the Schnarel et al. reference does not expressly disclose the context information comprises a light level.

However, it would have been logically to one of ordinary skill in the art to modify the user interface of the web telephone to include a volume control and a light level control.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the user interface of the web telephone taught by the Schnarel et al. reference to include a volume control and a light level control as GUI control elements provided by the software platform UI.

One of ordinary skill in the art would have been motivated to modify the user interface of the web telephone to include a volume control and a light level control as GUI control elements provided by the software platform UI to initiate other features of the telephony device.

Allowable Subject Matter

17. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to graphical user interfaces in general:

USPN 6,826,551 B1 to Clary et al.

USPN 6,434,447 B1 to Shteyn

US Pub. No. 2004/0049577 A1 to Imhof

US Pub. No. 2003/0132949 A1 to Fallon et al.

US Pub. No. 2003/0071845 A1 to King et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB

1 June 2005